IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 768 OF 2005

Deepak H. Purohit .. Appellant

Vs.

State of Maharashtra .. Respondent

Mr. O.P. Shukla for the appellant.
Ms. G.P. Mulekar, AGP for respondent.

CORAM: B.H. MARLAPALLE, J.

Date : July 21, 2005.

P.C.:

1. Heard. This appeal impugns the order dated 22-3-2005 refusing ad-interim relief. The Notice of Motion has already registered as Notice of Motion No.1206 of 2005 in BCC S.C. Suit No.1480 of 2005.

2. The affidavit in reply filed by the respondent in this appeal states that the appellant himself made a representation on 29-10-2004 to the Dairy Authorities to shift his milk booth from the suit premises and the Bombay Municipal Corporation by its letter dated 10-11-2004 informed the Dairy Manager In-charge that the Corporation had no objection for

shifting of the milk booth. On the face of this correspondence there was no case for ad-interim order and, therefore, the pending Notice of Motion will have to be decided on its own merits. It is informed that the Notice of Motion is to come up on 19-9-2005 before the trial court. The respondent shall file their reply on or before the next date i.e. 19-9-2005. The trial court is directed to hear and decide the Notice of Motion on its own merits by 31st October, 2005.

3. Appeal disposed off accordingly.

(B.H. Marlapalle,J.)